

**SPECIAL ORDINANCE NO. 1, 2011.**

**APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE**

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Common Address of lots to be rezoned:

1500,1504 & 1508 Spruce Street, Terre Haute, IN 47807

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Rezone From: M-2 Heavy Industry District

Rezone To: R-3 General Residence District

Proposed Use: Residential Building

Name of Owner: (1) Mental Health Association in Vigo County, Inc.

Address of Owner: 620 8<sup>th</sup> Avenue  
Terre Haute, IN 47804

Phone Number of Owner: (812) 232-5681

Name of Owner: (2) City of Terre Haute Department of Redevelopment

Address of Owner: 17 Harding Avenue  
Terre Haute, IN 47807

Phone Number of Owner: (812) 232-0018

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.  
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: John Mullican

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

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FILED

JAN - 7 2011

CITY CLERK

**SPECIAL ORDINANCE NO. 1, 2011**

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled AAn Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations@.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as AThe Comprehensive Zoning Ordinance for Terre Haute@ of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Numbers Fifteen (15) and Sixteen (16) in James H Turner's Subdivision of Lot Number Nineteen (19) in Chase's Subdivision of 100 acres off of the North end of the North East Quarter of Section 22, Township 12 North of Range 9 West

Commonly known as 1500, 1504 & 1508 Spruce Street, Terre Haute, IN 47807.

be and the same is, hereby established as a R-3 General Residence District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, \_\_\_\_\_  
John Mullican, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
John Mullican, President

\_\_\_\_\_  
John Mullican, President

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

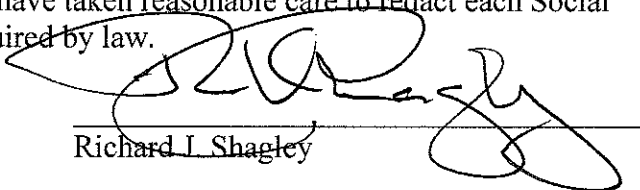
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

  
\_\_\_\_\_  
Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

## **PETITION TO REZONE REAL PROPERTY**

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Mental Health Association in Vigo County, Inc. and City of Terre Haute Department of Redevelopment, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Numbers Fifteen (15) and Sixteen (16) in James H Turner's Subdivision of Lot Number Nineteen (19) in Chase's Subdivision of 100 acres off of the North end of the North East Quarter of Section 22, Township 12 North of Range 9 West

Commonly known as 1500, 1504 & 1508, Terre Haute, IN 47807.

Your Petitioners are informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as M-2 Heavy Industry District.

Your Petitioners would respectfully state that the real estate is now vacant and is being transferred and sold from City of Terre Haute Department of Redevelopment to Mental Health Association in Vigo County, Inc. Your Petitioner, Mental Health Association in Vigo County, Inc., intends to construct a residential project of 30 one bedroom apartments.

Your Petitioners would request that the real estate described herein shall be zoned as an R-3 General Residence District to allow for the use as proposed by the Petitioners. Your Petitioners would allege that the R-3 General Residence District would not alter the general characteristics of this neighborhood, since the real estate is located in the North Plaza commercial district.

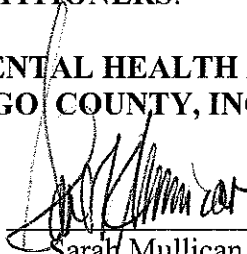
Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the R-3 General Residence District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

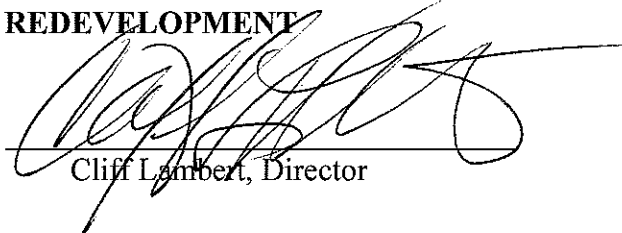
IN WITNESS WHEREOF, the undersigned Petitioners have caused this Petition to Rezone Real Property to be executed, this 6 day of January, 2011.

**PETITIONERS:**

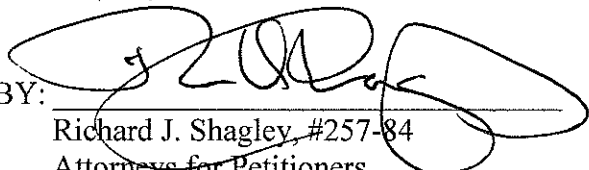
**MENTAL HEALTH ASSOCIATION IN  
VIGO COUNTY, INC.**

By:   
Sarah Mullican, President

**CITY OF TERRE HAUTE DEPARTMENT  
OF REDEVELOPMENT**

By:   
Cliff Lambert, Director

WRIGHT, SHAGLEY & LOWERY, P.C.  
500 Ohio Street  
PO Box 9849  
Terre Haute, IN 47808  
Phone: (812) 232-3388

BY:   
Richard J. Shagley, #257-84  
Attorneys for Petitioners

The owner and mailing address: Mental Health Association in Vigo County, Inc., 620 8<sup>th</sup> Avenue, Terre Haute, IN 47804, and City of Terre Haute Department of Redevelopment, 17 Harding Avenue, Terre Haute, IN 47807.

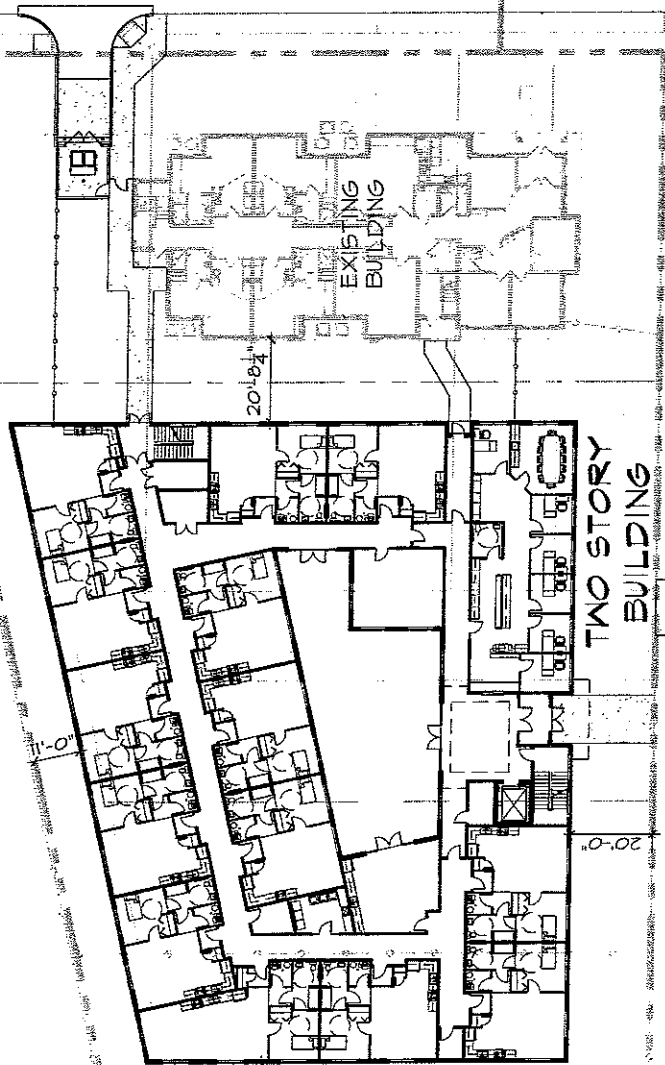
This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

**NOTE:**

TOTAL TWO STORY ADDITION SQUARE FOOTAGE IS APPROX. 26,285 SQ. FT.  
WITH 22 ONE BEDROOM UNITS.

TOTAL ONE STORY ADDITION SQUARE FOOTAGE IS APPROX. 6,971 SQ. FT.  
WITH 6 ONE BEDROOM UNITS.

TOTAL ADDITION SQUARE FOOTAGE IS APPROX. 33,256 SQ. FT.  
WITH 28 ONE BEDROOM UNITS.



SPRUCE STREET

SPRUCE STREET

15th STREET

Preliminary Site Plan for the  
**MIAVC Housing Project**  
508 N. 15th St. - Terra Haute, IN  
December 15, 2010



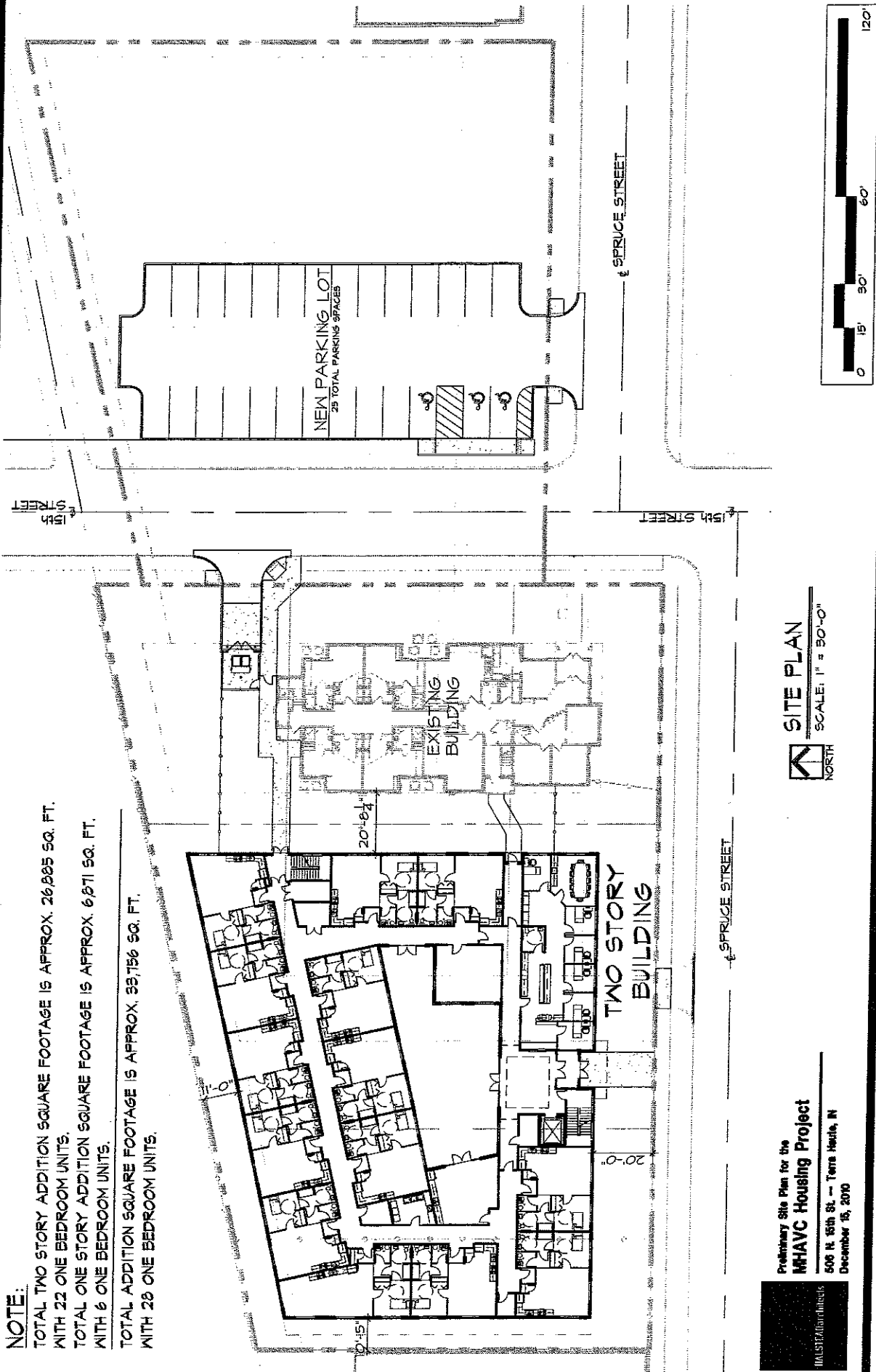
**SITE PLAN**

SCALE: 1" = 30'-0"



**NOTE:**

TOTAL TWO STORY ADDITION SQUARE FOOTAGE IS APPROX. 26,885 SQ. FT.  
WITH 22 ONE BEDROOM UNITS.  
TOTAL ONE STORY ADDITION SQUARE FOOTAGE IS APPROX. 6,871 SQ. FT.  
WITH 6 ONE BEDROOM UNITS.  
TOTAL ADDITION SQUARE FOOTAGE IS APPROX. 33,756 SQ. FT.  
WITH 28 ONE BEDROOM UNITS.



**HAUSTAD ARCHITECTS**  
Preliminary Site Plan for the  
**MHVC Housing Project**  
508 N. 15th St. -- Terra Haute, IN  
December 15, 2010

**SITE PLAN**  
SCALE: 1" = 30'-0"  
NORTH

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF VIGO       )

**AFFIDAVIT**

Comes now, Cliff Lambert, Executive Director of City of Terre Haute Department of Redevelopment, being duly sworn upon his oath, deposes and says:

1. That the City of Terre Haute Department of Redevelopment, is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Numbers Fifteen (15) and Sixteen (16) in James H Turner's Subdivision of Lot Number Nineteen (19) in Chase's Subdivision of 100 acres off of the North end of the North East Quarter of Section 22, Township 12 North of Range 9 West

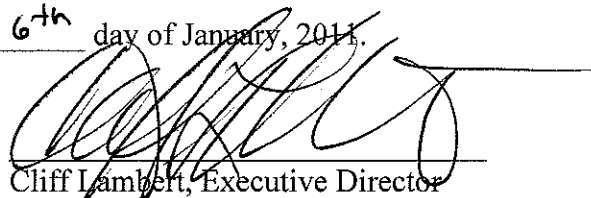
Commonly known as 1500, 1504 & 1508, Terre Haute, IN 47807.

2. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that City of Terre Haute Department of Redevelopment, is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by City of Terre Haute Department of Redevelopment and Mental Health Association in Vigo County, Indiana.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 6<sup>th</sup> day of January, 2011.

  
Cliff Lambert, Executive Director  
City of Terre Haute Department of  
Redevelopment



STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 6 day of January, 2011.

  
\_\_\_\_\_, Notary Public

My Commission expires:

1-20-2018

My County of Residence:

Clay

This instrument prepared by Richard J. Shagley, Attorney At Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, IN 47807.

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

2009008039 00 \$18 00  
06/18/2009 12 53 47P 2 PGS  
NANCY S ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

JUN 18 2009

EXEMPT FROM DISCLOSURE

*Timothy M. Segredo*  
VIGO COUNTY AUDITOR

### QUIT CLAIM DEED

THIS INDENTURE WITNESSETH

**JEFFREY STEVENS**, of Vigo County, State of Indiana, as Grantor RELEASES AND QUIT CLAIMS to **City of Terre Haute, Indiana, for the use and benefit of it's Department of Redevelopment**, as Grantee, for and in consideration of the sum of one dollar (\$1 00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to wit

Lot No Sixteen (16) in James H Turner's Subdivision of Lot No Nineteen (19) in Chase's Subdivision of one hundred (100) acres off the North end of the Northeast quarter of Section Twenty-two (22), Township Twelve (12) North, Range Nine (9) West

Tax Parcel No 18-06-22-229-003

and

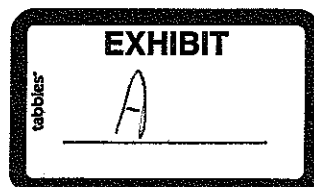
Tax Parcel No 18-06-22-229-004

Subject to easements, covenants, restrictions leases and other matters of record affecting title to the subject real estate

IN WITNESS WHEREOF, Jeffrey Stevens, of Vigo County, State of Indiana has caused this Deed to be executed this 10th day of JUNE, 2009

By

*Jeffrey Stevens*  
Jeffrey Stevens

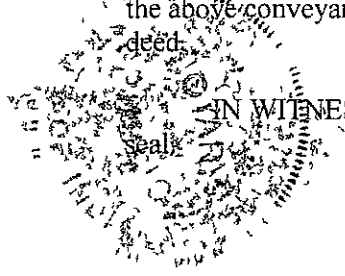


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STATE OF INDIANA       )  
                                      ) SS  
COUNTY OF VIGO       )

Before me the undersigned, a Notary Public, in and for said County and State, this 10th  
day of JUNE, 2009, personally appeared the within Jeffrey Stevens, Grantor in  
the above conveyance, and acknowledged the execution of the same to be his voluntary act and  
deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official

A circular notary seal for Dean Branson, Notary Public, State of Indiana, Commission Expires 2/28/2015.  
Dean Branson  
Notary Public

My Commission Expires 2/28/2015

County of Residence Vigo

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each  
Social Security number in this document, unless required by law

Dean Branson  
Dean Branson

Grantee's Name and Address City of Terre Haute, 17 Harding Avenue, Room 301, City Hall,  
Terre Haute, IN 47807

*This instrument prepared by City Attorney Chou-il Lee, Legal Department 17 Harding Avenue,  
Terre Haute, IN, 47807 (812) 232-2508*

PROPERTY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

MAY 05 2009

NOT FOR DISCLOSURE

*Timothy M Seprod*  
VIGO COUNTY AUDITOR

TAX DEED

2009005719 TAX DEED \$20 00  
05/05/2009 10 32 34A 3 PGS  
NANCY S ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



WHEREAS, the City of Terre Haute Department of Redevelopment did on the 15<sup>th</sup> day of April, 2009, produce to the undersigned Timothy M Seprod, Auditor of Vigo County, in the State of Indiana, a certificate of sale dated February 12, 2008, signed by the Auditor of Vigo County from which it appears that the City of Terre Haute Department of Redevelopment purchased at public auction on February 12, 2008, held pursuant to law, the real property described herein for the sum of One Thousand Seven Hundred Forty-four and 41/100 Dollars (\$1,744 41) being the amount due on the real property for taxes, special assessments, penalties and costs for delinquent taxes for the years 2006 and prior years, to-wit

Lot Number Fifteen (15) in James H Turner's  
Subdivision of Lot Number Nineteen (19) in Chase's  
Subdivision of 100 acres off of the North end of the  
North East Quarter of Section 22, Township 12 North of  
Range 9 West

Except 39 feet off of the West side of said lot  
heretofore conveyed by Fridolin P Hauck and Mary M  
Hauck, his wife, to Ora Kuykendall, as per deed dated  
May 13, 1920 and recorded May 22, 1920 in Deed Record  
160 at Page 45 of the Recorder's Office of Vigo  
County, Indiana

Subject to easements, covenants, restrictions, leases  
and other matters of record affecting title to the  
subject real estate

Commonly known as 1504 Spruce Street, Terre Haute,  
Indiana

Parcel #84-06-22-229-002 000-002

Such real property has been recorded in the office of the  
Vigo County Auditor as delinquent for the nonpayment of taxes,  
and proper notice of sale has been given. It appearing that the  
City of Terre Haute Department of Redevelopment is the owner of  
the Tax Sale Certificate, that the time for redeeming such real  
property has expired, that the property has not been redeemed,  
that the City of Terre Haute Department of Redevelopment has  
received a Court Order for the issuance of a deed for the real  
property described in the Tax Sale Certificate, that the records  
of the Vigo County Auditor's Office state that the real property  
was legally liable for taxation, and that the real property has

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been duly assessed and properly charged on the duplicate with the taxes and special assessments for the years 2006 and prior years

Therefore, this Deed made this 15<sup>th</sup> day of April, 2009, between the Vigo County Commissioners, by Timothy M. Seprod, Auditor of Vigo County, of the first part, and the City of Terre Haute Department of Redevelopment of the second part, witnesseth That the party of the first part, for and in consideration of the premises, has granted and bargained and sold to the party of the second party, the real property described in the Tax Sale Certificate, situated in the County of Vigo, and State of Indiana, namely and more particularly described as follows

Lot Number Fifteen (15) in James H. Turner's Subdivision of Lot Number Nineteen (19) in Chase's Subdivision of 100 acres off of the North end of the North East Quarter of Section 22, Township 12 North of Range 9 West

Except 39 feet off of the West side of said lot heretofore conveyed by Fridolin P. Hauck and Mary M. Hauck, his wife, to Ora Kuykendall, as per deed dated May 13, 1920 and recorded May 22, 1920 in Deed Record 160 at Page 45 of the Recorder's Office of Vigo County, Indiana

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate

Commonly known as 1504 Spruce Street, Terre Haute, Indiana

Parcel #84-06-22-229-002 000-002

to have and to hold such real property, with the appurtenances belonging thereto, in as full and ample a manner as the Auditor of said county is empowered by law and by order of the Vigo Circuit Court under Cause No. 84D02-0801-MI-849, to convey the same. Said real estate being previously titled in the names of Paul M. Hicks and Nancy A. Hicks



**DULY ENTERED FOR TAXATION**  
Subject to final acceptance for transfer

CLERK OF COURT

MAY 05 2009

*Timothy M. Seprod*  
VIGO COUNTY AUDITOR

2009005721 TAX DEED \$20 00  
05/05/2009 10 32 34A 3 PGS  
NANCY S ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



TAX DEED

WHEREAS, the City of Terre Haute Department of Redevelopment did on the 15th day of April, 2009, produce to the undersigned Timothy M Seprod, Auditor of Vigo County, in the State of Indiana, a certificate of sale dated February 12, 2008, signed by the Auditor of Vigo County from which it appears that the City of Terre Haute Department of Redevelopment purchased at public auction on February 12, 2008, held pursuant to law, the real property described herein for the sum of Five Hundred Twenty and 47/100 Dollars (\$520 47) being the amount due on the real property for taxes, special assessments, penalties and costs for delinquent taxes for the years 2006 and prior years, to-wit

Thirty-nine (39) feet off of the West side of Lot Number Fifteen (15) in James H Turner's Subdivision of Lot Number 19 in Chase's Subdivision of 100 acres off of the North end of the North East Quarter of Section 22, Township 12 North of Range 9 West

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate

Commonly known as 1500 Spruce Street, Terre Haute, Indiana

Parcel #84-06-22-229-001 000-002

Such real property has been recorded in the office of the Vigo County Auditor as delinquent for the nonpayment of taxes, and proper notice of sale has been given. It appearing that the City of Terre Haute Department of Redevelopment is the owner of the Tax Sale Certificate, that the time for redeeming such real property has expired, that the property has not been redeemed, that the City of Terre Haute Department of Redevelopment has received a Court Order for the issuance of a deed for the real property described in the Tax Sale Certificate, that the records of the Vigo County Auditor's Office state that the real property was legally liable for taxation, and that the real property has been duly assessed and properly charged on the duplicate with the taxes and special assessments for the years 2006 and prior years

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Therefore, this Deed made this 15<sup>th</sup> day of April, 2009, between the Vigo County Commissioners, by Timothy M Seprod1, Auditor of Vigo County, of the first part, and the City of Terre Haute Department of Redevelopment of the second part, witnesseth That the party of the first part, for and in consideration of the premises, has granted and bargained and sold to the party of the second party, the real property described in the Tax Sale Certificate, situated in the County of Vigo, and State of Indiana, namely and more particularly described as follows

Thirty-nine (39) feet off of the West side of Lot Number Fifteen (15) in James H Turner's Subdivision of Lot Number 19 in Chase's Subdivision of 100 acres off of the North end of the North East Quarter of Section 22, Township 12 North of Range 9 West

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate

Commonly known as 1500 Spruce Street, Terre Haute, Indiana

Parcel #84-06-22-229-001 000-002

to have and to hold such real property, with the appurtenances belonging thereto, in as full and ample a manner as the Auditor of said county is empowered by law and by order of the Vigo Circuit Court under Cause No 84D02-0801-MI-849, to convey the same Said real estate being previously titled in the names of Paul M Hicks and Nancy A Hicks

In testimony whereof, Timothy M Seprod1, Auditor of Vigo County, has hereunto set his hand, and affixed the seal of the board of county commissioners, this 29<sup>th</sup> day of April, 2009

*Timothy M Seprod1 RAC*

Timothy M Seprod1  
Vigo County Auditor

ATTEST

*David R Crockett*

*CR*

David Crockett  
Vigo County Treasurer



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IN WITNESS WHEREOF, I have hereunto set my hand and seal  
this 29<sup>th</sup> day of April, 2009

Peter A. Thompson

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Flonda Aldam

This instrument prepared by Rhonda Oldham, Attorney At Law, 191  
Harding Avenue, P O Box 0410, Terre Haute, Indiana 47808-0410